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Portland, OR 97209-4128
Telephone: (503) 727-2000
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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

MICROSOFT CORPORATION, a
Washington corporation,

Plaintiff,

v.

LESTER NEELY, an individual, d/b/a **BYTE
ME COMPUTERS**,

Defendant.

NO. CV06-1315 HA

**STIPULATED PERMANENT
INJUNCTION; ~~[PROPOSED]~~ ORDER**

Plaintiff Microsoft Corporation ("Microsoft"), and Defendant Lester Neely, an individual d/b/a Byte Me Computers ("Defendant"), hereby stipulate that Defendant, along with his agents, representatives, servants, employees, attorneys, successors and assigns, and all others in active concert or participation with Defendant, shall be and hereby are **PERMANENTLY ENJOINED** and restrained from:

(a) imitating, copying, or making any other infringing use or infringing distribution of software programs, components, end user license agreements ("EULAs"),

1 – **STIPULATED PERMANENT INJUNCTION;
[PROPOSED] ORDER**
41826-5155/LEGAL13422468.1

Perkins Coie LLP
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Certificates of Authenticity ("COAs") or items protected by Microsoft's registered trademarks and service mark, including, but not limited to, the following Trademark and/or Service Mark Registration Numbers:

- (1) 1,256,083 ("MICROSOFT");
- (2) 1,200,236 ("MICROSOFT");
- (3) 1,475,795 ("POWERPOINT");
- (4) 1,741,086 ("MICROSOFT ACCESS");
- (5) 2,188,125 ("OUTLOOK");

or the software programs, components, EULAs, COAs, items or things protected by the following Certificate of Copyright Registration Nos.:

- (1) TX 5-837-617 ("Office Professional 2003");
- (2) TX 5-837-636 ("Office Excel 2003");
- (3) TX 5-900-087 ("Office Outlook 2003");
- (4) TX 5-852-649 ("Office PowerPoint 2003");
- (5) TX 5-837-618 ("Publisher 2003");
- (6) TX 5-900-088 ("Office Word 2003");
- (7) TX 5-877-513 ("Business Contact Manager for Outlook 2003");

or any other works now or hereafter protected by any of Microsoft's trademarks or copyrights;

(b) manufacturing, assembling, producing, distributing, offering for distribution, circulating, selling, offering for sale, advertising, importing, promoting, or displaying any software program, component, EULA, COA, item or thing bearing any simulation, reproduction, counterfeit, copy, or colorable imitation of any of Microsoft's registered trademarks or service mark, including, but not limited to, the Trademark and Service Mark Registration Nos. listed in Paragraph (a) above;

(c) using any simulation, reproduction, counterfeit, copy, or colorable imitation of Microsoft's registered trademarks or service mark including, but not limited to, the Trademark and Service Mark Registration Nos. listed in Paragraph (a) above, in connection with the manufacture, distribution, offering for distribution, sale, offering for sale, advertisement, promotion, or display of any software, component, EULA, COA, item or thing not authorized or licensed by Microsoft;

(d) using any false designation of origin or false description which can or is likely to lead the trade or public or individuals erroneously to believe that any software, component, EULA, COA, item, or thing has been manufactured, produced, distributed, offered for distribution, advertised, promoted, displayed, licensed, sponsored, approved, or authorized by or for Microsoft, when such is not true in fact;

(e) using the names, logos, or other variations thereof any of Microsoft's copyright and/or trademark-protected software programs in any of Defendant's trade or corporate names;

(f) engaging in any other activity constituting an infringement of any of Microsoft's trademarks, service mark and/or copyrights, or of Microsoft's rights in, or right to use or to exploit these trademarks, service mark, and/or copyrights, or constituting any dilution of Microsoft's name, reputation, or goodwill; and

(g) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in paragraphs (a) through (f) above.

IT IS SO STIPULATED.

DATED: August 3, 2007

LESTER NEELY, an individual d/b/a BYTE ME
COMPUTERS



By: Lester Neely

DATED: August __, 2007

MICROSOFT CORPORATION, a Washington
corporation

Approved as to form:

Dated: August __, 2007

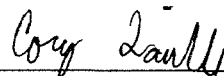
PERKINS COIE LLP

By: _____

Attorneys for Plaintiff
MICROSOFT CORPORATION

Dated: August 3, 2007

CORY LARVIK, ATTORNEY PC

By: 
Cory Larvik

Attorneys for Defendant
LESTER NEELY d/b/a BYTE ME COMPUTERS

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ORDER

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DATED: August __, 2007

LESTER NEELY, an individual d/b/a BYTE ME
COMPUTERS

By: Lester Neely

DATED: August 9, 2007

MICROSOFT CORPORATION, a Washington
corporation

Thomas W Burt

Thomas W. Burt
Corporate VP, Deputy General Counsel

Approved as to form:

Dated: August 17, 2007

PERKINS COIE LLP

By: _____
Stephanie K. Hines
Attorneys for Plaintiff
MICROSOFT CORPORATION

Dated: August __, 2007

CORY LARVIK ATTORNEY, PC

By: _____
Cory Larvik
Attorneys for Defendant
LESTER NEELY d/b/a BYTE ME COMPUTERS

ORDER

Good Cause appearing therefore, IT IS ORDERED that Defendant Lester Neely , an individual d/b/a Byte Me Computers ("Defendant"), along with his agents, representatives, servants, employees, attorneys, successors and assigns, and all others in active concert or participation with Defendant, shall be and hereby are **PERMANENTLY ENJOINED** and restrained from:

(a) imitating, copying, or making any other infringing use or infringing distribution of software programs, components, end user license agreements ("EULAs"), Certificates of Authenticity ("COAs") or items protected by Microsoft's registered trademarks and service mark, including, but not limited to, the following Trademark and/or Service Mark Registration Numbers:

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- (6) TX 5-900-088 ("Office Word 2003");
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or any other works now or hereafter protected by any of Microsoft's trademarks or copyrights;

(b) manufacturing, assembling, producing, distributing, offering for distribution, circulating, selling, offering for sale, advertising, importing, promoting, or displaying any software program, component, EULA, COA, item or thing bearing any simulation, reproduction, counterfeit, copy, or colorable imitation of any of Microsoft's registered trademarks or service mark, including, but not limited to, the Trademark and Service Mark Registration Nos. listed in Paragraph (a) above;

(c) using any simulation, reproduction, counterfeit, copy, or colorable imitation of Microsoft's registered trademarks or service mark including, but not limited to, the Trademark and Service Mark Registration Nos. listed in Paragraph (a) above, in connection with the manufacture, distribution, offering for distribution, sale, offering for sale, advertisement, promotion, or display of any software, component, EULA, COA, item or thing not authorized or licensed by Microsoft;

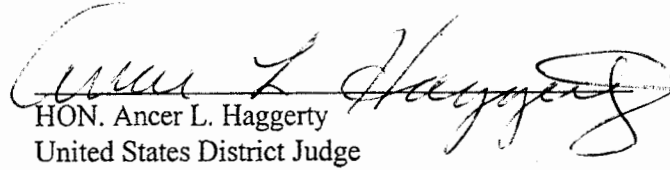
(d) using any false designation of origin or false description which can or is likely to lead the trade or public or individuals erroneously to believe that any software, component, EULA, COA, item, or thing has been manufactured, produced, distributed, offered for distribution, advertised, promoted, displayed, licensed, sponsored, approved, or authorized by or for Microsoft, when such is not true in fact;

(e) using the names, logos, or other variations thereof any of Microsoft's copyright and/or trademark-protected software programs in any of Defendant's trade or corporate names;

(f) engaging in any other activity constituting an infringement of any of Microsoft's trademarks, service mark and/or copyrights, or of Microsoft's rights in, or right to use or to exploit these trademarks, service mark, and/or copyrights, or constituting any dilution of Microsoft's name, reputation, or goodwill; and

(g) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in paragraphs (a) through (f) above.

DATED: 8-17-, 2007


HON. Ancer L. Haggerty
United States District Judge

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